

1

motion. Due to the nature of this motion no memorandum of law is necessary.

4. Adam Kleinberg and James Randazzo, counsel for the defendants, assert to this庭長和麥克，是被告的律師，聲稱這項指責是不正確的。

3. The proposed amendment complaint, attached as Exhibit 1 to this motion, substitutes

Melitz as Administrator of the Estate of Karen Melitz.

2. On June 27, 2008, the Surrogates Court, Putnam County, appointed Richard passed away subsequently to the institution of this action.

1. The original plaintiff in this action was Karen Melitz. Unfortunately, Ms. Melitz captioned case.

NOW COMES the plaintiff, Richard Melitz, as Administrator of the estate of Karen

MOTION TO AMEND COMPLAINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

8/27/08
Cathy Seal 4105
S. Andale.

Lawrence A. Vogelman (8722)
/s/ Lawrence A. Vogelman

I hereby certify that a copy of the within Assent- To Motion To File Amended Complaint has been served on Adam Kleimberg and James Randazzo via Electronic Case Filing on this 18th day of August, 2008.

CERTIFICATE OF SERVICE

(603) 669-7070
Manchester, NH 03101
77 Central Avenue
LAWRENCE A. VOGELMAN (8722)
/s/ Lawrence A. Vogelman

Dated: August 18, 2008

Nixon, Raiche, Vogelman, Barry & Slawsky, P.A.
By His Attorneys,

Richard Metz,

Respectfully submitted,

for filing the attached amended complaint.

WHEREFORE, for the reasons stated herein the plaintiff requests that this Court accept